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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,965	11/19/2001	Hironori Ochiai	FUJM 19.166	3396
26304	7590	12/29/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			LEE, ANDREW CHUNG CHEUNG	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2664	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/988,965	Applicant(s) OCHIAI ET AL. G.A.	
	Examiner Andrew C. Lee	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2001.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
 7) ☒ Claim(s) 6,7,8,9,11 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/19/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The subject matter "second memory" as disclosed in claim

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US 6049524) in view of Bunch (US 6198722 B1).

Regarding claims 1, 5, 10, Fukushima et al. disclose the limitation of a router for routing a frame (column 1, lines 11 – 12), comprising: a first memory; a route-information-receiving unit for receiving route information transmitted by an adjacent router (column 13, lines 31 – 39, memory; Fig. 2, element 24, column 5, lines 60 – 62); a route-information-writing unit for storing said information on a route into said first memory (Fig.

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2, element 43, column 12, lines 5 – 7); a route-information-transmission control unit for controlling transmission of said information on a route to adjacent routers (column 10, lines 16 – 20); a route-information-change-reporting unit for reporting a change in information on a route involving a particular adjacent router to adjacent routers other than said particular adjacent router if information on a route has not been received from said particular adjacent router for at least a predetermined period of time (column 6, lines 1 – 3; column 8, lines 55 – 67; column 9, lines 66 – 67; column 10, lines 1 – 5); a relay-processing unit for routing a received frame on the basis of said route information stored in said first memory (Fig. 2, element 13; column 12, lines 1 – 7); Fukushima et al. do not disclose expressly a temporary-halt-start-informing unit for transmitting a temporary-halt-start notification message indicating a start of a temporary halt to adjacent routers in the event of said temporary halt; and a temporary-halt-recovery-informing unit for transmitting a temporary-halt-recovery notification message indicating a recovery from a temporary halt to adjacent routers in the event of said recovery from said temporary halt. Bunch discloses the limitation of a temporary-halt-start-informing unit for transmitting a temporary-halt-start notification message indicating a start of a temporary halt to adjacent routers in the event of said temporary halt (Fig. 9, element 740, column 18, lines 33 – 39; lines 21 – 32); and a temporary-halt-recovery-informing unit for transmitting a temporary-halt-recovery notification message indicating a recovery from a temporary halt to adjacent routers in the event of said recovery from said temporary halt (Fig. 9, element 720, column 18, lines 40 – 46; lines 21 – 32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fukushima et al. to include a temporary-halt-start-

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informing unit for transmitting a temporary-halt-start notification message indicating a start of a temporary halt to adjacent routers in the event of said temporary halt; and a temporary-halt-recovery-informing unit for transmitting a temporary-halt-recovery notification message indicating a recovery from a temporary halt to adjacent routers in the event of said recovery from said temporary halt such as that taught by Bunch in order to provide a flow control method and apparatus that can be added to existing networks without disruptively interfacing with exiting network protocols or operations (as suggested by Bunch, see column 1, lines 10 – 12).

Regarding claim 2, Fukushima et al. disclose the limitation of a router according to claim 1, further comprising: a second memory (Fig. 14, element 41); a route-information-saving unit for saving route information stored in said first memory to said second memory in the event of a temporary halt (column 12, lines column 27 – 51); and a route-information-restoring unit for restoring information on a route from said second memory back to said first memory in the event of a recovery from a temporary halt (column 12, lines 46 – 51).

Regarding claim 3, Fukushima et al. disclose the limitation of a router for routing a frame (column 1, lines 11 – 12), Fukushima et al. do not disclose expressly a router according to claim 1, wherein, in the event of a temporary halt, said temporary-halt-start-informing unit informs other adjacent routers of a time to recovery from said temporary halt. Bunch discloses the limitation of a router according to claim 1, wherein, in the event of a temporary halt, said temporary-halt-start-informing unit informs other adjacent routers of a time to recovery from said temporary halt (column 19, lines 20 – 21). It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Fukushima et al. to include a router according to claim 1, wherein, in the event of a temporary halt, said temporary-halt-start-informing unit informs other adjacent routers of a time to recovery from said temporary halt such as that taught by Bunch in order to provide a flow control method and apparatus that can be added to existing networks without disruptively interfacing with exiting network protocols or operations (as suggested by Bunch, see column 1, lines 10 – 12).

Regarding claim 4, Fukushima et al. disclose the limitation of a router for routing a frame (column 1, lines 11 – 12), Fukushima et al. do not disclose expressly a router according to claim 1, further comprising: a temporary-halt-start management unit for inputting a notification of a start of a temporary halt from an external source and passing on said notification to said temporary-halt-start-informing unit; and a temporary-halt-recovery management unit for inputting a notification of a recovery from a temporary halt from an external source and passing on said notification to said temporary-halt-recovery-informing unit. Bunch discloses the limitation of a router according to claim 1, further comprising: a temporary-halt-start management unit for inputting a notification of a start of a temporary halt from an external source and passing on said notification to said temporary-halt-start-informing unit (Fig. 8, element 610, column 14, lines 5 – 25; column 18, lines 33 – 39); and a temporary-halt-recovery management unit for inputting a notification of a recovery from a temporary halt from an external source and passing on said notification to said temporary-halt-recovery-informing unit (Fig. 8, element 610, column 14, lines 5 – 25; column 18, lines 40 – 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Fukushima et al. to include a router according to claim 1, further comprising: a temporary-halt-start management unit for inputting a notification of a start of a temporary halt from an external source and passing on said notification to said temporary-halt-start-informing unit; and a temporary-halt-recovery management unit for inputting a notification of a recovery from a temporary halt from an external source and passing on said notification to said temporary-halt-recovery-informing unit such as that taught by Bunch in order to provide a flow control method and apparatus that can be added to existing networks without disruptively interfacing with exiting network protocols or operations (as suggested by Bunch, see column 1, lines 10 – 12).

Allowable Subject Matter

5. Claims 6, 7, 8, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 11 is allowed. The prior art fails to disclose expressly "having any one of said routers, which is adjacent to a temporarily halted one of said routers, lock a state of reporting no change in information on a route involving said temporarily halted router to any adjacent one of said routers, which is other than said temporarily halted router, when receiving a temporary-halt-start notification message indicating a start of a temporary halt from said temporarily halted router even if receiving no information on a route from said temporarily halted router for a predetermined period of time; and having any one of said routers, which is adjacent to a temporarily halted one of said routers, resume a monitoring operation of reporting a change in

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information on a route involving said temporarily halted router to any adjacent one of said routers, which is other than said temporarily halted router, when receiving a temporary-halt-recovery notification message indicating a recovery from a temporary halt from said temporarily halted router or when receiving no information on a route from said temporarily halted router for a predetermined period of time.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571) 272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ACL

Dec 16, 2005


Ajit Patel
Primary Examiner